IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7996 of 2007

PETITIONER/ACCUSED

BENNY, S/O.KURIAN, KANIPPALLI HOUSE,
MUNDOOR P.O., KODANCHERY, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA THROUGH THE FOREST
RANGE OFFICER, THAMARASSERY,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.MOHANAN, J.

Bail Application No. 7996 2006

Dated this the 24th day of December, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the sole accused in C.R. No.31/2007 of Thamarassery Forest Range for an offence punishable under section 27 of the Kerala Forest Act on the allegation that the petitioner had encroached into the reserve forest and had cultivated the land belonging to the forest department, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed bearing in mind the decision in **Sukumari v. State of Kerala - 2001 (1) KLT 22.**

With the above observation, this Application is disposed of .

V.K.MOHANAN, JUDGE.

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